

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

S3 02 Crim. 1141 (LAK)

JEFFREY OTIS REDDEN,

Defendant.  
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**ORDER**

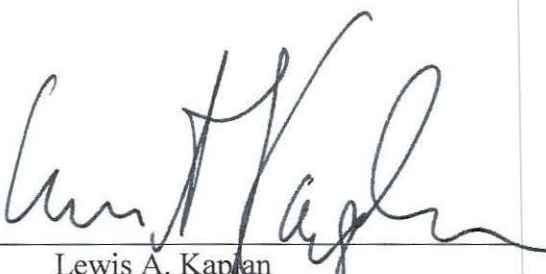
LEWIS A. KAPLAN, *District Judge.*

1. Defendant's motion for relief pursuant to 28 U.S.C. § 2255, filed today [DI 139] is a second or successive such motion. It cannot be addressed by this Court absence leave of the Court of Appeals. Accordingly, the Clerk is directed to transfer it to the Court of Appeals pursuant to *Liriano*. The Court is well aware that at least one other motion for leave to file and second or successive 2255 already is pending before that Court. No. 20-1274.

2. Defendant also moves for equitable tolling to file a file a Section 2255 motion and to hear his claims under Section 2255 to vacate his conviction and sentence on Counts 2 and 3 and to reduce his sentence on Count 1 to time served. (DI 140) He evidently us under the erroneous impression that the Court can ignore the fact that whichever 2255 motion this motion is intended to apply to can be entertained by this Court only with leave of the Court of Appeals, which defendant has not obtained. Accordingly, this motion is denied. This ruling is without prejudice to their being reconsidered if, as and when defendant obtains leave of the Court of Appeals to pursue one or more successive 2255 motions.

SO ORDERED.

Dated: August 29, 2020

  
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Lewis A. Kaplan  
United States District Judge